



VENABLE
POST OFFICE BOX 34385
WASHINGTON, DC 20043-9998

Paper No. 5
COPY MAILED

JUL 19 2001

In re Application of
Yoshimi Hirahara
Application No. 09/726,451
Filed: December 1, 2000
Title: RADIO COMMUNICATION SYSTEM
Attorney Docket No. 32014-167949

**OFFICE OF PETITIONS
A/C PATENTS**

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. 1.47(b),
filed March 2, 2001.

The petition under 37 C.F.R. 1.47(b) is **GRANTED**.

The above-identified application was filed on December 1, 2000,
without an executed oath or declaration, missing the statutory
basic filing fee, and with additional claim fees due. Yoshimi
Hirahara was named as sole inventor. Accordingly, on January 2,
2001, a "Notice to File Missing Parts of Application" was mailed,
requiring an executed oath or declaration, a surcharge for late
filing, and payment of the filing and claim fees. This Notice
set a two month period for reply.

Applicant timely filed the instant petition (and petition fee),
and the fees due under the Notice. Rule 47 applicant maintains
that status under 37 C.F.R. §1.47(b) is proper because sole
inventor Yoshimi Hirahara cannot be found or reached after
diligent effort.

Applicant has satisfied the requirements of §1.47(b)¹.
Applicant, by declaration of a person with first hand knowledge,
demonstrated that applicant had made a diligent effort to locate
the non-signing inventor and present him with a copy of the
application papers for signature. Applicant submitted a
declaration for patent application signed by Tomoo Araki and
noting that he is an Officer of the assignee corporation. This
declaration has been reviewed and is found in compliance with
§§1.63 and 1.64. Applicant paid the petition fee and included a
statement of the non-signing inventor's last known address in the
petition. Applicant submitted with the petition a copy of an
invention report in Japanese (with concise English translation)
to establish that the invention has been assigned to the
applicant corporation, signed by sole inventor Hirahara. The
agreement establishes the applicant's proprietary interest in the
application. Finally, applicant declares that the filing of the
application without the inventor's signature is necessary to

¹ A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that
the non-signing inventor cannot be reached or refuses to sign the oath or
declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4)
a statement of last known address of the non-signing inventor; (5) proof of
proprietary interest; and (6) proof of irreparable damage.

preserve the rights of the parties and to prevent irreparable damage, given that a claim for priority under 35 USC 119 was based on an application filed in Japan on December 3, 1999.


This application is hereby accorded Rule 1.47(b) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.



 Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

YOSHIMI HIRAHARA
1-4-16-202 OKUBO
NARASHINO-SHI,
CHIBA 275-0011, JAPAN

COPY MAILED

In re Application of :
Yoshimi Hirahara :
Application No. 09/726,451 :
Filed: December 1, 2000 :
Title: RADIO COMMUNICATION SYSTEM :

JUL 19 2001

**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Hirahara:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

VENABLE
POST OFFICE BOX 34385
WASHINGTON, DC 20043-9998